

Samuel H. Ruby, SBN 191091
E-mail: samuel.ruby@bullivant.com
Kevin K. Ho, SBN 233408
E-mail: kevin.ho@bullivant.com
BULLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
San Francisco, California 94108
Telephone: 415.352.2700
Facsimile: 415.352.2701

Attorneys for Plaintiff The Continental
Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE CONTINENTAL INSURANCE
COMPANY,

Plaintiff,

vs.

JOHN JOSEPH COTA; REGAL STONE
LIMITED; FLEET MANAGEMENT LTD.;
and the *M/V COSCO BUSAN*, LR/IMO Ship
No. 9231743 her engines, apparel, electronics,
tackle, boats, appurtenances, etc., *in rem*,

Defendants.

Case No. 07-5800
(Related Case 08-5802(IL))
CONTINENTAL INSURANCE
COMPANY'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED
PURSUANT TO CIVIL LOCAL RULE 3-
12

1. In accordance with Local Rule 3-12, Plaintiff The Continental Insurance
Company ("Continental") gives notice that this matter may be related to the following civil
actions:

- *Chelsea LLC et al. v. Regal Stone, Ltd., et al.* (U.S.D.C. N.D. Cal. Case No.: 07-cv-05800);
- *Shogren Living Trust et al. v. Regal Stone, Ltd., et al.* (U.S.D.C. N.D. Cal. Case No.: 07-cv-05926); and,
- *United States v. M/V Cosco Busan, et al.* (U.S.D.C. N.D. Cal. Case No.: 07-cv-06045) (collectively, "the Civil Actions").

These cases were deemed related by Judge Samuel Conti's order on December 11, 2007.

1 2. Continental's action and the Civil Actions arise from the November 7, 2007 oil
2 spill involving the *M/V COSCO BUSAN* in San Francisco Bay. All the actions concern
3 substantially the same parties, property, transactions or events. All of these cases involve most
4 of the same defendants.

5 3. Though not based upon the same statutes or private causes of action,
6 Continental's pleadings and related papers assert *in personam* claims against defendants Regal
7 Stone Limited, Fleet Management Ltd., and Captain John Joseph Cota and *in rem* claims against
8 the *M/V COSCO BUSAN*.

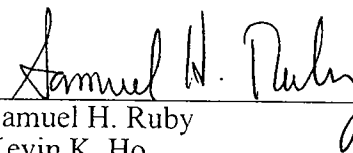
9 4. Continental also gives notice that this matter may be related to the following
10 criminal action: *United States v. Cota* (U.S.D.C. N.D. Cal. Case No.: 08-cr-00160). Though not
11 based upon the same statutes, Continental's pleadings and related papers assert *in personam*
12 claims against defendant Captain John Joseph Cota that arise from the same series of property,
13 transactions, occurrences or events relating to the November 7, 2007 oil spill in San Francisco
14 Bay.

15 5. Further, it appears likely that there would be an unduly burdensome duplication
16 of labor, expense and/or conflicting results if Continental's case were to proceed before a
17 different judge than Judge Conti.

18
19 WHEREFORE, Plaintiff requests the Court enter an order relating this case with the low-
20 numbered civil case.

21 DATED: April 21, 2008

22
23 BULLIVANT HOUSER BAILEY PC

24 By 
25 Samuel H. Ruby
26 Kevin K. Ho

27 Attorneys for Plaintiff The Continental Insurance
28 Company